

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEFFREY STRZELCZYK

v.

RONALD WILLIAMS

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Civil No. JFM-09-3121

MEMORANDUM

Plaintiff has brought this *pro se* action against Ronald Williams, the chairman and chief executive officer of Aetna, Inc. Defendant has filed a motion to dismiss. The motion will be granted with leave to plaintiff to file an amended complaint naming Aetna Life Insurance Company as the defendant.

As defendant argues, to the extent that plaintiff was asserting a breach of contract action claim, the claim is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§1001, *et seq.* As defendant also argues, he has no individual liability to plaintiff under ERISA. If anyone is liable to plaintiff, it is Aetna Life Insurance Company.

For these reasons, as stated above, defendants' motion will be granted but plaintiff is granted leave to file an amended complaint naming Aetna Life Insurance Company as a defendant on or before February 11, 2010. I ask defendant's counsel to advise plaintiff on or before January 21, 2010 as to whether they are authorized to accept service on behalf of Aetna

Life Insurance Company. (I certainly hope that they will be so authorized). In responding to the amended complaint, Aetna Life Insurance Company may assert any defense it deems appropriate.

DATE: 1/11/2010

/s/
J. Frederick Motz
United States District Judge